

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KERRY TURNER,

Plaintiff

v.

RENO POLICE DEPARTMENT, et al.,

Defendants

Case No.: 3:23-cv-00221-ART-CSD

ORDER

Plaintiff, who is an inmate in custody of the Washoe County Detention Facility (WCDF) filed an application to proceed in forma pauperis (IFP) (ECF No. 1) and pro se complaint (ECF No. 1-1).

On August 7, 2023, the court issued an order granting Plaintiff's inmate IFP application, requiring him to pay the \$350 filing fee over time. In addition, the court allowed Plaintiff to proceed with his Fourth Amendment claim against Detective Hernandez. The Reno Police Department and Regional Narcotics Unit were dismissed with leave to amend. (ECF No. 3.)

Plaintiff subsequently filed two motions to amend and two amended complaints. (ECF Nos. 5, 6, 9, 10.) On September 25, 2023, the court issued an order denying the motions to amend as moot as Plaintiff had already been given leave to amend. The court noted that the two proposed amended complaints were deficient, and the court gave Plaintiff one final opportunity to amend. The court advised Plaintiff that if he failed to file a second amended complaint, or if his allegations were deficient, this action would proceed only against Hernandez on the Fourth Amendment claim in the original complaint. (ECF No. 14.)

1 Plaintiff failed to timely file a second amended complaint. Therefore, this action is
2 **PROCEEDING** only with the Fourth Amendment claim against **Hernandez** as alleged in the
3 original complaint (ECF No. 4).

4 The Clerk of Court shall **ISSUE** a summons for defendant Andrew Hernandez, **and**
5 **deliver the same**, to the U.S. Marshal for service. The Clerk also shall also **SEND** sufficient
6 copies of the complaint (ECF No. 4) and this Order to the U.S. Marshal for service on the
7 defendant. The Clerk shall **SEND** to Plaintiff a USM-285 form. Plaintiff has **21 days** within
8 which to furnish to the U.S. Marshal the required USM-285 form with relevant information for
9 the defendant on the form at 400 S. Virginia Street, 2nd floor, Reno, Nevada 89501. Within **20**
10 **days** after receiving from the U.S. Marshal a copy of the USM-285 forms showing whether
11 service has been accomplished, if the defendants was not served, and if Plaintiff wants service to
12 be attempted again, he must file a motion with the court providing a more detailed name and/or
13 address for service, or indicating that some other method of service should be attempted.

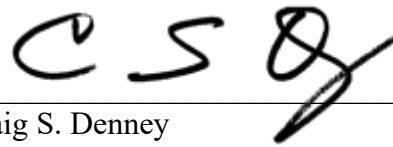
14 Plaintiff is reminded that under Federal Rule of Civil Procedure 4(m), service must be
15 completed within **90 days** of the date of this Order. If Plaintiff requires additional time to meet
16 any of the deadlines set by the court, he must file a motion for extension of time under Local
17 Rule 1A 6-1 *before* the expiration of the deadline, and the motion must be supported by a
18 showing of good cause. A motion filed after a deadline set by the court or applicable rules will
19 be denied absent a showing of excusable neglect.

20 Plaintiff shall serve upon defendant(s) or, if an appearance has been entered by counsel,
21 upon the attorney(s), a copy of every pleading, motion or other document submitted for
22 consideration by the court. If Plaintiff electronically files a document with the court's electronic
23 filing system, no certificate of service is required. Fed. R. Civ. P. 5(d)(1)(B); LR IC 4-1(b); LR

1 5-1. If Plaintiff mails the document to the court, Plaintiff shall include with the original
2 document submitted for filing a certificate stating the date that a true and correct copy of the
3 document was mailed to the defendants or counsel for the defendants. If counsel has entered a
4 notice of appearance, Plaintiff shall direct service to the individual attorney named in the notice
5 of appearance, at the physical or electronic address stated therein. The court may disregard any
6 document received by a district judge or magistrate judge which has not been filed with the
7 Clerk, and any document received by a district judge, magistrate judge, or the Clerk which fails
8 to include a certificate showing proper service when required.

9 **IT IS SO ORDERED.**

10 Dated: October 20, 2023



Craig S. Denney
United States Magistrate Judge